



April 6, 2001

ENGROSSED HOUSE BILL No. 1647

DIGEST OF HB 1647 (Updated April 5, 2001 12:07 PM - DI 101)

Citations Affected: Noncode.

Synopsis: Autism waiver funding. Appropriates to the office of Medicaid policy and planning from the state general fund an amount sufficient for use in funding an increase in the number of eligible individuals served under the Medicaid autism waiver. Requires the office Medicaid policy and planning to request an amendment to the autism waiver to provide coverage for applied behavior analysis treatment. Appropriates from the state general fund an amount sufficient to increase the number of individuals served under the Medicaid autism waiver. (The introduced version of this bill was prepared by the Indiana commission on autism.)

Effective: July 1, 2001.

**Summers, Alderman, Oxley,
Atterholt**

(SENATE SPONSORS — MERRITT, LAWSON C)

January 17, 2001, read first time and referred to Committee on Human Affairs.
February 8, 2001, reported — Do Pass; referred to Committee on Ways and Means pursuant to House Rule 127.

February 14, 2001, amended, reported — Do Pass.

February 19, 2001, read second time, ordered engrossed.

February 20, 2001, engrossed. Read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 27, 2001, read first time and referred to Committee on Health and Provider Services.

March 29, 2001, reported favorably — Do Pass; reassigned to Committee on Finance.

April 5, 2001, reported favorably — Do Pass.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

ENGROSSED HOUSE BILL No. 1647

A BILL FOR AN ACT concerning Medicaid and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. [EFFECTIVE JULY 1, 2001] (a) As used in this
2 SECTION, "waiver" refers to a home and community based
3 services waiver described in 42 U.S.C. 1396n(c) as it:

- 4 (1) applies to individuals with autism; and
5 (2) is in effect on July 1, 2001.

6 (b) The office of Medicaid policy and planning shall seek
7 approval under 42 U.S.C. 1396 et seq. from the federal Health Care
8 Financing Administration to amend the waiver to:

- 9 (1) provide coverage for care provided by a treatment team,
10 which must include a lead therapist who:

11 (A) is licensed as a psychologist under IC 25-33 or as a
12 psychiatrist under IC 25-22.5;

13 (B) has completed one thousand five hundred (1,500) hours
14 of training or supervised experience in the application of
15 applied behavior analysis or an equivalent behavior
16 modification theory for children with a pervasive
17 developmental disorder; and

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- 1 (C) has at least two (2) years experience as an independent
 2 practitioner and as a supervisor of less experienced
 3 clinicians; and
 4 (2) increase by at least two hundred (200) the total number of
 5 waiver slots for individuals who are eligible for a waiver and
 6 who would otherwise require a level of care in an
 7 intermediate care facility for the mentally retarded (as
 8 defined in 42 U.S.C. 1396d(d)) or a nursing facility (as defined
 9 in 42 U.S.C. 1396r(a)).
 10 (c) The office of Medicaid policy and planning shall apply before
 11 September 1, 2001, for approval from the federal Health Care
 12 Financing Administration to amend the waiver to implement this
 13 SECTION.
 14 (d) The office of Medicaid policy and planning may not
 15 implement the changes specified under subsection (b) until the
 16 office of Medicaid policy and planning files an affidavit with the
 17 governor attesting that the federal Health Care Financing
 18 Administration approves the changes in the waiver requested by
 19 the office of Medicaid policy and planning under this SECTION.
 20 The office shall file the affidavit under this subsection not later
 21 than five (5) days after the office is notified that the waiver is
 22 approved.
 23 (e) The office of Medicaid policy and planning shall adopt rules
 24 under IC 4-22-2 necessary to implement this SECTION.
 25 (f) There is appropriated to the office of Medicaid policy and
 26 planning from the state general fund an amount sufficient for its
 27 use in funding an increase in the number of eligible individuals who
 28 may be served by the waiver as follows:
 29 (1) From two hundred (200) individuals to three hundred
 30 (300) individuals during the state fiscal year beginning July 1,
 31 2001, and ending June 30, 2002.
 32 (2) From three hundred (300) individuals to four hundred
 33 (400) individuals during the state fiscal year beginning July 1,
 34 2002, and ending June 30, 2003.
 35 (g) This SECTION expires July 1, 2005.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1647, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

SUMMERS, Chair

Committee Vote: yeas 11, nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1647, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"(b) The office of Medicaid policy and planning shall seek approval under 42 U.S.C. 1396 et seq. from the federal Health Care Financing Administration to amend the waiver to:

(1) provide coverage for care provided by a treatment team, which must include a lead therapist who:

(A) is licensed as a psychologist under IC 25-33 or as a psychiatrist under IC 25-22.5;

(B) has completed one thousand five hundred (1,500) hours of training or supervised experience in the application of applied behavior analysis or an equivalent behavior modification theory for children with a pervasive developmental disorder; and

(C) has at least two (2) years experience as an independent practitioner and as a supervisor of less experienced clinicians; and

(2) increase by at least two hundred (200) the total number of waiver slots for individuals who are eligible for a waiver and who would otherwise require a level of care in an intermediate care facility for the mentally retarded (as defined in 42 U.S.C. 1396d(d)) or a nursing facility (as defined in 42 U.S.C. 1396r(a)).

(c) The office of Medicaid policy and planning shall apply before September 1, 2001, for approval from the federal Health Care Financing Administration to amend the waiver to implement this SECTION.

(d) The office of Medicaid policy and planning may not implement the changes specified under subsection (b) until the office of Medicaid policy and planning files an affidavit with the governor attesting that the federal Health Care Financing Administration approves the changes in the waiver requested by the office of Medicaid policy and planning under this SECTION. The office shall file the affidavit under this subsection not later than five (5) days after the office is notified that the waiver is approved.

(e) The office of Medicaid policy and planning shall adopt rules under IC 4-22-2 necessary to implement this SECTION."

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Page 1, line 6, delete "(b)" and insert "**(f)**".

Page 1, line 16, delete "(c)" and insert "**(g)**".

and when so amended that said bill do pass.

(Reference is to HB 1647 as introduced.)

BAUER, Chair

Committee Vote: yeas 23, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1647, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Finance.

(Reference is made to House Bill 1647 as printed February 15, 2001.)

MILLER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Finance, to which was referred House Bill No. 1647, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1647 as printed February 15, 2001.)

BORST, Chairperson

Committee Vote: Yeas 11, Nays 3.

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